

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NANCY E. STARKEY,

Plaintiff(s),

v.

CAROLYN W. COLVIN,

Defendant(s).

Case No. 2:14-CV-1481 JCM (NJK)

ORDER

Presently before the court are Magistrate Judge Nancy Koppe's report and recommendation. (Doc. # 19). No objections to the report and recommendation have been filed, and the time for doing so has passed.

This case arises from the disputed denial of a claim for disability benefits by the Social Security Administration ("SSA"). Plaintiff Nancy Starkey filed an application for disability benefits with the SSA on February 4, 2011. (Doc. # 19 at 5). After the claim was denied twice, plaintiff requested a hearing before an administrative law judge ("ALJ") to review the denial. (*Id.*) The ALJ did not find in plaintiff's favor. (*Id.*) Plaintiff then requested a review of the denial before an appeals council, which denied that request on June 16, 2014. (*Id.*)

On September 12, 2014, plaintiff initiated this case by filing a complaint for judicial review of a final decision by the commissioner of social security, requesting that the court review the ALJ's decision in the matter. (Doc. # 1). Plaintiff filed a motion for reversal or remand to the agency. (Doc. # 15). The commissioner defendant filed a response in opposition and a cross-motion to affirm. (Doc. ## 16, 17). The action was referred by the undersigned district judge to Judge Koppe for a report of findings and recommendation under 28 U.S.C. 636(b)(1)(B)-(C) and Local Rule IB 1-4.

1 This court “may accept, reject, or modify, in whole or in part, the findings or
2 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects
3 to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo*
4 determination of those portions of the [report and recommendation] to which objection is made.”
5 28 U.S.C. § 636(b)(1).

6 Where a party fails to object, however, the court is not required to conduct “any review at
7 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149
8 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
9 magistrate judge’s report and recommendation where no objections have been filed. *See United*
10 *States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
11 employed by the district court when reviewing a report and recommendation to which no
12 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
13 (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting the view that district courts are
14 not required to review “any issue that is not the subject of an objection.”). Thus, if there is no
15 objection to a magistrate judge’s recommendation, then this court may accept the recommendation
16 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
17 magistrate judge’s recommendation to which no objection was filed).

18 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine
19 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
20 recommendation and underlying briefs, this court finds good cause appears to ADOPT the
21 magistrate judge’s findings in full.

22 Accordingly,

23 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge Nancy
24 Koppe’s report and recommendation (doc. # 19) be, and the same hereby are, ADOPTED in their
25 entirety.

26 IT IS FURTHER ORDERED that plaintiff Nancy Starkey’s motion for reversal or remand
27 (doc. # 15) be, and the same hereby is, DENIED.

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1 IT IS FURTHER ORDERED that defendant Carolyn Colvin, Commissioner of Social
2 Security's cross-motion to affirm (doc. # 16) be, and the same hereby is, GRANTED. The clerk is
3 instructed to enter judgment accordingly and close the case.

4 DATED February 2, 2016.

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6 UNITED STATES DISTRICT JUDGE
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